

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

June 3, 2008

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. S. H. Mickens, from Lake Grove M. B. Church. Councilman Lowery presented Rev. Mickens with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of May 20, 2008 with the following motion:

MOTION: Strickland
SECOND: Morrison
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Flinn did not cast a vote

APPROVED

23. **RESOLUTION GRANTING AN EASEMENT FOR TRANSMISSION OF ELECTRICITY TO NUCOR STEEL MEMPHIS, INC., AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON MARCH 27, 2008.**

MOTION: Collins
SECOND: Hedgepeth
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Flinn did not cast a vote

APPROVED

Councilman Collins requested preparation of same night minutes for Item #23

CONSENT AGENDA – Items 1-5 may be acted upon by one motion: SEE PAGE 2531 FOR ROLL CALL

1. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND SECTION 25-195, UP FOR S E C O N D READING.**

Ordinance No. 5264

APPROVED, on Second reading

2. **RESOLUTION APPROVING FINAL PLAT OF ARLEDGE SUBDIVISION.**

Case No. S 07-048

Resolution approves the final plat located on the east side of Covington Pike, extending the south side of Raleigh LaGrange.

City Engineer recommends approval

APPROVED

3. **RESOLUTION APPROVING FINAL PLAT OF POPLAR HIGHWOODS SUBDIVISION.**

Case No. S 06-015

Resolution approves the final plat located on the northwest corner of Poplar Avenue and Shady Grove Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

4. RESOLUTION APPROVING FINAL PLAT OF TOMBLIN SUBDIVISION.

Case No. S 07-016

Resolution approves the final plat located on the west side of Alexander Street, 148.3' north of Southern Avenue.

City Engineer recommends approval

APPROVED**5. NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 82-016
- B. Case No. SAC 07-603 – Kentucky Street Closure
- C. Case No. UV 08-01

Public Hearing set for June 17, 2008

ROLL CALL CONSENT ITEMS

MOTION: Halbert
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED**MLGW FISCAL CONSENT – Items 6-13 may be acted upon by one motion:**

- 6. RESOLUTION APPROVING CHANGE NO. 12 TO CONTRACT NO. 10718, LONG AND SHORT-TERM DISABILITY, WITH UNUM PROVIDENT, IN THE FUNDED AMOUNT OF \$2,353,206.00. (THIS RENEWS THE CURRENT CONTRACT FOR THE PERIOD JULY 1, 2008 TO MARCH 31, 2009.)**

APPROVED

- 7. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10793, PROFESSIONAL PORTFOLIO SOFTWARE, WITH ADVENT SOFTWARE, INC., IN THE FUNDED AMOUNT OF \$24,594.24. (THIS RENEWS THE CONTRACT FOR THE PERIOD MAY 11, 2008 TO MAY 10, 2009.)**

APPROVED

8. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11015, CERTIFIED LABORATORY FOR DRUG TESTING, WITH ADVANCED TOXICOLOGY NETWORK, IN THE FUNDED AMOUNT OF \$24,000.00, WITH NO CHANGE IN RATES. (THIS RENEWS THE CONTRACT FOR THE THIRD RENEWAL TERM, JUNE 24, 2008 TO JUNE 23, 2009.)**

APPROVED

9. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11039, GAS LEAK SURVEY, WITH HEATH CONSULTANTS, IN THE FUNDED AMOUNT OF \$529,563.00. (THIS RENEWS THE CONTRACT FOR THE THIRD RENEWAL TERM, JULY 1, 2008 TO JUNE 30, 2009, AND INCREASES THE CURRENT CONTRACT VALUE FOR FREQUENT SURVEYS AND INSPECTIONS OF GAS FACILITIES AND APPURTENANCES ON BRIDGES.)**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11041, RIGHT-OF-WAY MOWING, WITH BEAN & PRINCE CONTRACTORS, IN THE FUNDED AMOUNT OF \$132,870.00. (THIS EXTENDS THE CURRENT CONTRACT FOR 90 DAYS AND INCREASES THE CONTRACT VALUE WHICH WILL REFLECT A 3% INCREASE IN THE PREVIOUS YEAR'S RATE.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11066, AIRLINE ROAD WATER MAIN INSTALLATION, WITH ARGO CONSTRUCTION CORPORATION, IN THE FUNDED AMOUNT OF \$13,287.28. (THIS COVERS AN INCREASE IN THE QUANTITY OF 30" WATER MAIN INSTALLED IN THE ASPHALT.)**

APPROVED

12. **RESOLUTION APPROVING ENERGY SMART MEMPHIS CONTRACTUAL AGREEMENTS WITH METROPOLITAN INTER-FAITH ASSOCIATION (MIFA) AND SHELBY COUNTY COMMUNITY ASSISTANCE AGENCY (CSA), TO PROVIDE ALL OR SOME PORTION OF THE UP TO \$1,000,000.00 FUNDING APPROVED TO SUPPLEMENT THEIR EXISTING PROGRAMS FOR PROVIDING HOME ENERGY REPAIRS OR IMPROVEMENTS TO LOW-INCOME CUSTOMERS.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11121, CUSTOMER SATISFACTION SURVEY PROCESS, WITH RENEE ENTERPRISES, IN THE FUNDED AMOUNT OF \$15,900.00. (THIS EXTENDS THE CURRENT RENEWAL DATE TO DECEMBER 31, 2008.)**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Lowery
SECOND: Morrison
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland,
Ware and Chairman McCormick
Brown and Halbert did not cast a vote

APPROVED14. **APPOINTMENTS****Memphis and Shelby County Music Commission****Appointments**

Jonathan Cross, II
Bobby L. Evans
Ryan Fleur

Prevailing Wage Commission**Appointment**

Paul Shaffer

MOTION: Flinn
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Strickland, Ware and Chairman McCormick
Morrison did not cast a vote

APPROVED

26. **RESOLUTION APPROVING THE ADOPTION, AUTHORIZATION AND EXECUTION OF DOCUMENTS RELATING TO NOT TO EXCEED \$100,000,000.00 ELECTRIC SYSTEM SUBORDINATE REVENUE REFUNDING BONDS, SERIES 2008, INCLUDING A THIRD SUPPLEMENTAL RESOLUTION AUTHORIZING THE SERIES 2008 BONDS, A BOND PURCHASE AGREEMENT AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2008 BONDS TO THE UNDERWRITER, A REFUNDING ESCROW AGREEMENT AND AN OFFICIAL STATEMENT; SELECTING A BOND REGISTRAR/PAYING AGENT AND ESCROW AGENT; AND APPROVING CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN OFFICIALS OF THE DIVISION TO EXECUTE SUCH DOCUMENTS IN CONNECTION WITH THE ISSUANCE AND SALE OF SERIES 2008 BONDS AND THE TAKING OF ALL ACTIONS IN CONNECTION THEREWITH.**

MOTION: Ware

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Hedgepeth did not cast a vote

APPROVED

25. **RESOLUTION APPROVING SALE OF SURPLUS PROPERTY, LOCATED WEST OF WHITWORTH AND NORTH OF THE DEAD-END OF RIDGEWOOD, TO J&J INVESTMENTS AND BJH & ASSOCIATES, FOR THE SUM OF \$130,000.00.**

MOTION: Ware

SECOND: Boyd

AYES: Boyd, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins and Flinn did not cast a vote

APPROVED

Chairman McCormick stated that without objection, we need to prepare same night minutes for Items 23, 25, & 26

Chairman McCormick allowed the following persons from the audience to speak regarding the City's 2008-2009 Budget

Yvonne Acey, 5340 Norma Drive, Mphs, TN 38109
Chloe and Martha Burkhead, 184 S. Willett, Mphs, TN 38104
Sonja Currie, 8863 Mission Hills Cv., Mphs, TN 38125
Maryellen Eaves, 1261 Wellsville Rd., Mphs, TN 38117
Stephanie Evans, 282 N. McLean, Mphs, TN 38112
Betsy Friedman, 5286 Cole Rd., Mphs, TN 38120
Eric Gottlieb, 250 Buena Vista Place, Mphs, TN 38112

Lisa Harris, 6360 Candlewood Cove, Mphs, TN 38119
 Tameka Hart, 1349 Goodbar Ave., Mphs, TN 38104
 Catherine Hutchinson, 1764 Linden Ave., Mphs, TN 38104
 Gwen Jackson, 1270 Hickory Ridge Dr., Mphs, TN 38116
 Michael Marshall, 1000 Ridgeway Loop Rd., Mphs, TN 38120
 Chris Matz, 31 S. McLean Blvd., #10, Mphs, TN 38104
 Martavius Jones, 1398 Worthington, Mphs, TN 38114
 Betty Mallott, 7495 Wood Rail Cv., Mphs, TN 38119
 Celia Mason, 703 N. Idlewild, Mphs, TN 38107
 Jackie Moore, 1538 N. Parkway, Mphs, TN 38112
 Beth Pepperman, 4685 Chickasaw Rd., Mphs, TN 38117
 Deke Pope, 4992 Autumnwood Dr., Mphs, TN 38116
 Stephanie Poplos, 195 S. Belvedere Blvd., Mphs, TN 38104
 Patrice Robinson, 4881 Whitworth Rd., Mphs, TN 38116
 Tim Smeltser, 4406 Ferndale, Mphs, TN 38122
 Maureen Spain, 253 N. McNeil, Mphs, TN 38112
 Christine Todd, 600 Center Dr., Mphs, TN 38112
 Johnnie Turner, 752 W. Levi Rd., Mphs, TN 38109
 Dr. Sharon Webb, 3569 McCorkle Rd., Mphs, TN 38116
 June West, 1650 Peabody Ave., Mphs, TN 38104
 Anita White, 1342 Rosecliff Ave., Mphs, TN 38116
 Dr. Freda Williams, 549 Rienzi Dr., Mphs, TN 38103
 Sharon Williams, 4120 Long Creek, Mphs, TN 38125
 Latricia Wilson, 2269 Union Avenue, Mphs, TN 38127
 Minister Suhkara Yahweh, 775 Porter St., Mphs, TN 38126

21. **ORDINANCE FIXING THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2009, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5263

MOTION: Halbert
 SECOND: Collins

MAIN MOTION: Morrison – Amend the Tax Rate to \$3.25
 SECOND: Ford
 AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
 and Chairman McCormick
 NAYS: Brown, Strickland and Ware

APPROVED, as amended

15. **RESOLUTION TO ESTABLISH THE MEMPHIS LIGHT GAS AND WATER DIVISION IN-LIEU-OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2009.**

MOTION: Halbert
 SECOND: Fullilove

AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Brown and Flinn did not cast a vote

APPROVED

16. **RESOLUTION TO DIRECT THE CITY TREASURER TO PREPARE TAX BILLS FOR THE VARIOUS UTILITIES AND CARRIERS UTILIZING THE LAST CERTIFIED ASSESSMENT AS OF JUNE 30, 2008.**

MOTION: Halbert
SECOND: Boyd
AYES: Boyd, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Brown and Flinn did not cast a vote

APPROVED

17. **RESOLUTION TO APPROVE THE FY 2009 BUDGET FOR THE CENTER CITY COMMISSION.**

MOTION: Halbert
SECOND: Ford
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED

18. **RESOLUTION APPROVING THE MEMPHIS CITY SCHOOLS' BUDGET FOR 2008-2009.**

MOTION: Collins
SECOND: Hedgepeth

MAIN MOTION: Morrison – The City school system will need to reduce the baseline expenditures by \$66,261,600 and the City of Memphis will absorb \$1,500,000 in outstanding debt, per year, until 2009

SECOND: Ford
AYES: Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison and
Chairman McCormick
NAYS: Brown, Strickland and Ware
Boyd did not cast a vote

APPROVED, as amended

19. **RESOLUTION TO APPROVE THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2009-2013.**

MOTION: Boyd – Approve the final figure FY 09 24,998,000 that includes the City schools that we discussed this morning; \$1,851,000. Includes the other two items we took up today, which is the Fairley Road improvement and Artwine Street in North Memphis

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED, as amended

20. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2009 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5262

ORDINANCE to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

MOTION: Halbert – Committee recommends approval with amendments

SECOND: Boyd

Amendment read by Councilman Morrison – Amendment will be the O & M to reflect \$621,796,736 in gross expenditures which reflects the 15.4 million in cuts that the O & M Committee passed and does include funding of the community centers and libraries

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick

NAYS: Strickland

APPROVED, as amended

22. **ORDINANCE TO AMEND CHAPTER 9, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO AMEND SECTION 9-56-11, PERTAINING TO AN INCREASE IN THE MONTHLY FEES CHARGED FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5261

Director of Public Works and Director of Finance recommend approval

MOTION: Halbert
SECOND: Morrison
AYES: Collins, Flinn, Ford, Hedgepeth, Lowery, Morrison, Strickland
NAYS: Fullilove, Ware and Chairman McCormick
Boyd, Brown and Halbert did not cast a vote

APPROVED

24. **RESOLUTION APPROPRIATING \$882,600.00 IN IN-SERVICE TRAINING GRANT FUNDS FROM THE STATE OF TENNESSEE FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF \$882,600.00.**

MOTION: Hedgepeth
SECOND: Morrison
AYES: Brown, Collins, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Boyd and Halbert did not cast a vote

APPROVED

27. **RESOLUTION INCLUDING LINCOLN SCHOOL PARK, CIP PROJECT NUMBER PK07081, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM. THE RESOLUTION SEEKS TO APPROPRIATE \$96,012.00 IN CONSTRUCTION, FUNDED BY G.O. BONDS GENERAL.**

MOTION: Strickland
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Halbert and Hedgepeth did not cast a vote

APPROVED

MOTION: Morrison – Approve same night minutes for Item #21
SECOND: Hedgepeth
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
NAYS: Brown

APPROVED, same night minutes will be prepared, set up as Special Item #1

28. **RESOLUTION APPROPRIATING FUNDING FOR THE ORGANIZED CRIME UNIT DRUG FUNDS FOR FISCAL YEAR 2009 IN THE AMOUNT OF \$4,684,048.00.**

MOTION: Hedgepeth
SECOND: Boyd

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

29. **RESOLUTION RECEIVING \$120,000.00 IN COMMUNITY ENHANCEMENT GRANT FUNDING FROM SELECT MEMBERS OF THE SHELBY COUNTY DELEGATION OF THE TENNESSEE GENERAL ASSEMBLY. THE FUNDS ARE DESIGNATED AS FOLLOWS: \$95,000.00 FOR THE SUMMER YOUTH EMPLOYMENT PROGRAM AND \$25,000.00 FOR AN EMT TRAINING PROGRAM ADMINISTERED THROUGH THE MEMPHIS FIRE DEPARTMENT.**

MOTION: Brown

SECOND: Ware

AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Ford and Hedgepeth did not cast a vote

APPROVED

30. **RESOLUTION REQUESTING CITY ADMINISTRATION TO SUBMIT A REQUEST FOR QUALIFICATIONS FROM DEVELOPERS DESIRING TO DEVELOP THE PYRAMID AND MUD ISLAND SITES.** (Held from 03/04)

MOTION: Flinn – Request that we hold this to the first meeting in September.

Chairman McCormick stated that without objection, show this item held to the first meeting in September, September 9.

Held to September 9, 2008

MINUTES

Approval of the Minutes of the regular meeting of June 3, 2008 for Items 21, 23, 25 & 26 only, with the following motion:

MOTION: Ware

SECOND: Boyd

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown and Hedgepeth did not cast a vote

APPROVED, for items 21, 23, 25 & 26 only, set up as Special Item #2

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman McCormick recognized the following persons who spoke from the audience:

Minister Curtis Powell, 1130 S. Wellington, Mphs, TN 38126
Walter Broady, 4256 Ledbetter Cv., Mphs, TN 38109

ADJOURNED MEETING AT 7:00 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records